

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVID LUTEYA LIHALAKHA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-04-4768
	§	
OFFICER STEPHEN, et al.,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER

The plaintiff in the above-styled cause has not responded to the court's Order for More Definite Statement dated May 4, 2005, which instructed the plaintiff to respond to the court's questions concerning his factual allegations within thirty (30) days. The plaintiff has also failed to respond to the court's order to submit an Application to Proceed In Forma Pauperis in compliance with the court's Order.

The court warned the plaintiff that failure to comply as directed may result in a dismissal of his action. The plaintiff's failure to pursue this action forces the court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, the court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Martinez v. Johnson, 104 F.3d 769, 772 (5th Cir. 1997).

The plaintiff is advised, however, that upon a proper showing, relief from this Memorandum Opinion and Order may be granted in accordance with FED. R. CIV. P. 60(b).

Accordingly, it is hereby **ORDERED** that this action be dismissed without prejudice for want of prosecution.

SIGNED at Houston, Texas, on this the 15th day of June, 2005.

A handwritten signature in black ink, appearing to read "Sim Lake", is positioned above a horizontal line.

SIM LAKE
UNITED STATES DISTRICT JUDGE